

REMARKS

In the Office Action, claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by Lee. Claims 2 and 3 were not further evaluated on their merits because claim 1 recited either a product container bottle or receptacle in which the later was addressed by the patent to Lee.

In response to the Office Action, claim 1 has been amended to define the present invention with the same elements as were previously presented but separated into sub-paragraphs to aid in the Examiner's understanding of the present invention.

The present invention is directed to an air freshener having an intermediate support plate with a horizontal planer surface having a hole in the middle. A liquid freshener product container bottle is fitted from underneath by insertion through the hole of the support piece. A freshener product rotary dispensing cap is fitted on an upper threaded end of the freshener bottle. The cap is applied on the intermediate support. The intermediate support also has a descending plate on a front plane which is attachable to the freshener bottle. The support piece on a rear surface has a horizontal direction with a male dove-tailed anchorage system. A clip has a female dove-tailed anchorage and a lateral insertion stop and is fitted in the male dove-tailed anchorage system. The clip has flexible projecting arms for securing the air freshener to a motor vehicle.

In the patent to Lee, a miniature fan for an air freshener is disclosed. With reference to figure 3, there does not appear to be a support piece having a central hole. The only portion having a central hole is the fragrance plate 48. Inserted through the fragrance plate 48 is a portion of container 48.

This is completely contrary to the present invention which specifically defines a support piece having a central hole and a liquid freshener product container bottle is fitted through the central hole of the support piece. This is the direct opposite of the disclosure of the Lee patent.

Further, a rotary dispensing cap is fitted on an upper-threaded end of the freshener bottle. The container 44 in the Lee patent houses the freshener product 48 and nothing is threaded onto the container 44. Therefore, this feature of the present invention is also not shown by the Lee patent.

Further, the support piece has a descending plate on a front plane attachable to the freshener container bottle and on a rear side of a support piece a male dove-tailed anchorage system. This structure is also not shown anywhere in the Lee patent.

While it does appear the Lee patent includes a clip for supporting the fan, in claim 1 of the present invention, a clip is defined as including a female dove-tailed anchorage which is fitted in a male dove-tailed anchorage system of the support piece. There is no dove-tail anchorage system in the Lee patent.

Therefore, it appears that all of the features of the present invention are not found in the Lee patent. Therefore, claim 1 is patentably distinguished over the Lee patent.

With respect to the objection to claims 2 and 3 of the present invention, this objection is not understood. Claims 2 and 3 are proper dependent claims which further limit the elements of claim 1. Specifically, the rotary dispensing cap first introduced in claim 1 is further defined to have dispensing grills. Further, inside the cap is a tight fitting bushing. Additional details of the bushing are then defined in claim 2.

Claim 3 further limits claim 2 and defines additional structural features of the dispensing cap.

Therefore, claims 2 and 3 should have been treated on the merits and the indication by the Examiner that these claims were not treated on the merits are cause for, in the absence of a Notice of Allowance, issuance of a Non-Final Office Action. However, in view of the overwhelming number of distinctions between the present invention and the Lee patent, the present application should be in condition for allowance.

Based on the foregoing amendments and remarks, it is respectfully submitted that the claims in the present application, as they now stand, patentably distinguish over the references cited and applied by the Examiner and are, therefore, in condition for

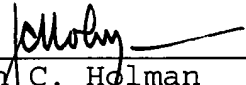
allowance. A Notice of Allowance is in order, and such favorable action and reconsideration are respectfully requested.

However, if after reviewing the above amendments and remarks, the Examiner has any questions or comments, he is cordially invited to contact the undersigned attorneys.

Respectfully submitted,

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